



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 28, 2024

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**SUBJECT: PP23-007 - AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
VARIOUS SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL  
CODE (ZONING ORDINANCE OR ZONING CODE)**

## **RECOMMENDATION**

The Planning Commission recommended that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto; and
2. Adopt an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to:
  - a. Amend Chapter 20.30 to include amendments to (i) Section 20.30.400, to clarify pedestrian access; (ii) Section 20.30.500, Table 20-70, Note 2, to exclude retaining walls from accessory structures along corner lot setback; and (iii) Section 20.30.510 to clarify Rear Yard Coverage; and amend Chapter 20.70 to add Sections 20.70.110, 20.70.120, and 20.70.130 which had been inadvertently deleted; and amend Section 20.80.175 and add a new Part 2.76 of Chapter 20.80 to allow the sale and conveyance of Accessory Dwelling Unit condominiums; and amend Chapter 20.90, Section 20.90.060 to include previously approved ratios for long-term and short-term bicycle spaces, and add Section 20.90.150 which had been inadvertently deleted; and amend Sections 20.195.010, 20.195.020, 20.195.030 and 20.195.050 of Chapter 20.195 to include recent references to Government Code Sections for housing; and amend Section 20.200.1265 of Chapter 20.200 to change existing definition of ‘Permanent

- Supportive Housing'; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.
- b. Amend Chapter 20.70, Section 20.70.100, Table 20-140 to allow indoor sales of Zero Emission Vehicles.

The Planning Commission voted 10-1-0 (Garcia opposed) to recommend the City Council to approve staff's recommendation with the exception of Item 2.b. to be voted on separately.

Regarding Item 2.b. pulled for a separate vote, the Planning Commission voted 9-2-0 (Tordillos and Young opposed) to recommend that the City Council adopt the amendments to Chapter 20.70 for indoor sales of Zero Emission Vehicles, and for Planning staff to work with the interested business operator on their request to allow outdoor uses, ahead of the City Council hearing on June 11, 2024.

### **SUMMARY AND OUTCOME**

Approval of the proposed Municipal Code amendments will amend various chapters within Title 20, Zoning Code, as described in the Background section below.

### **BACKGROUND**

The proposed Zoning Code update would incorporate necessary modifications to (a) implement the City Council's prior direction, (b) comply with State law, and (c) ensure consistency with prior approvals. This ordinance includes updates related to Single-Family residential development standards, indoor sale of Zero Emission Vehicles in the Downtown Zoning districts, sale of Accessory Dwelling Units (ADUs) as condominiums, reincorporated text related to bicycle parking and other requirements inadvertently omitted in the previous parking update and edits to definition of Permanent Supportive Housing and other references to align with State law.

### **ANALYSIS**

A complete analysis of the issues regarding the Zoning Code update is contained in the Planning Commission staff report dated May 22, 2024 (attached).

#### *Climate Smart San José*

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals as it facilitates reduction in resources by streamlining the development review process, incorporating updates, and supporting current trends.

### **EVALUATION AND FOLLOW-UP**

If the proposed Zoning Code update changes are approved by the City Council, the new Ordinance will be effective 30 days after the second reading. Staff will provide recommendations regarding outdoor uses related to vehicle sales downtown in a supplemental memo.

### **COORDINATION**

The preparation of the proposed ordinance and this memorandum were coordinated with the City Attorney's Office.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City Council Agenda website for the June 11, 2024, Council Meeting.

Staff conducted an outreach meeting with interested stakeholders and individuals on March 21, 2024. The attached Planning Commission staff report contains a description of community outreach related to this ordinance.

Staff followed Council Policy 6-30: Public Outreach Policy regarding public outreach for this proposal. A public hearing notice, including the Planning Commission and City Council hearing dates, was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff posted the hearing notice, staff report, and draft ordinance on the Planning, Building and Code Enforcement Department website. An informational webpage was also published on the City's website. Staff has been available to respond to questions from the public.

### **COMMISSION RECOMMENDATION/ INPUT**

On May 22, 2024, the Planning Commission conducted a public hearing on the proposed Zoning Code updates. Staff presented a background and summary of the proposed changes for the Commission.

One member of the public spoke, representing Lucid Motors, an interested business operator. He requested modification to the proposed code update related to the sale of Zero Emission Vehicles use within the Downtown Zoning district to allow outdoor storage of approximately 15 inventory vehicles.

Commissioner Tordillos, Commissioner Oliverio, Commissioner Cantrell, and Commissioner Ornelas-Wise requested clarification on the proposed Zoning Code changes and spoke in support

of the ordinance overall, and commended staff on the quick turnaround of work related to ADU condominiums.

Commissioner Oliverio asked for staff's opinion on accommodating the interested party's request for outdoor car storage. Staff noted that despite the hesitation in allowing outdoor storage within an urban setting such as Downtown, the ordinance could be amended to accommodate the use with additional design standards such as screening, front setback, or other conditions to be presented to the City Council. The primary concern was to avoid other parking lots transformed into storage lots in an urban Downtown setting.

Commissioner Young asked for clarification on the timeframe of the outdoor storage request and stated his opposition to the specific item as staff needs to work more with the business operator before moving ahead. He noted that incorporating the requested outdoor use within Downtown requires further deliberation and discussion.

Commissioner Oliverio noted the Tesla dealership within Santana Row as an example wherein the City Council approved the request for outdoor storage of up to eight vehicles and which has worked well. He made a motion to approve the staff's recommendation with the intent that the staff work with the interested business operator on the accommodation and bring forth those options to the City Council. Commissioner Cantrell seconded the motion.

Commissioner Young noted that Santana Row, a private shopping center, is not comparable to Downtown. The motion for staff to explore options for outdoor storage inaccurately suggests that Planning Commission supports the requested accommodation. Commissioner Young made a substitute motion to approve staff's recommendation without any additional modification. Commissioner Tordillos seconded that motion.

Commissioner Young, Commissioner Oliverio, Commissioner Cantrell, Commissioner Ornelas-wise, Commissioner Casey, Commissioner Tordillos, Commissioner Bickford, Commissioner Rosario, and Chair Lardinois further discussed potential impacts of allowing outdoor vehicle storage in Downtown and if this change could result in unintended impacts in other areas within Downtown. As there exists a current need to revive economic activity and support new businesses within vacant storefronts, restricting the use to non-Downtown Core locations would reduce those impacts. They asked staff to elaborate on how the Commission's recommendation would impact City Council's decision. Staff responded that if the motion is approved per staff's current recommendation, the business operator could still request the City Council for further consideration of outdoor storage and staff would likely continue to work with the business operator on such a request.

Commissioner Barocio and Bickford spoke in support of ADU condominiums but expressed concerns about the consequences of allowing several smaller Homeowners Association

developments. Commissioner Barocio expressed that as the City of San José is one of the first cities within the State to allow ADU condominiums, it may be too early to anticipate potential concerns that could arise in the future. Commissioner Ornelas-Wise added that the process should be simplified for homeowners with diagrams and handouts. Staff responded that although the Zoning Code does not include any graphics, customers can access illustrative diagrams on the Planning Division's webpage. Commissioner Bickford suggested that the Planning Department undertake follow-up studies on the impacts of this program within the next two to three years. Commissioner Bickford inquired if there exists a path to “uncondoize” the units and roll back these developments if an owner chooses to do so. Staff responded that the condominium creation process is similar to any real estate sale/purchase transaction, so the sale is permanent unless there was some sort of a buy-back provision in the sale agreement or some other contractual agreement.

Commissioner Young mentioned that he was in support of all proposed Zoning Code changes except for the request on the proposed Zero Emission Vehicle use. The Commission deliberated on the possibility of incorporating two separate motions where the changes on the vehicle sales in the downtown component would be voted on separately from the other components of the ordinance. The City Attorney confirmed that separate motions on the ordinance would be appropriate in this case.

Commissioner Young withdrew his first substitute motion and made a new substitute motion to recommend approval of staff’s recommendation except for Item 2.b. Commissioner Tordillos seconded the motion. The Planning Commission voted 10-1-0 (Garcia against).

Commissioner Oliverio made a motion to approve Item 2.b. with the recommendation that staff will work with the interested business on their request for outdoor storage ahead of the City Council hearing. Commissioner Casey seconded the motion. The Planning Commission voted 9-2-0 to approve the motion (Tordillos and Young opposed).

## **CEQA**

A Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. The proposed Zoning Ordinance update does not include any construction, demolition, or other activity that has the potential to negatively impact the environment. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

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**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/  
Chris Burton  
Secretary, Planning Commission

For questions, please contact Martina Davis, Division Manager, at (408) 535-7888 or [martina.davis@sanjoseca.gov](mailto:martina.davis@sanjoseca.gov).

**ATTACHMENT:**  
Planning Commission Staff Report from May 22, 2024



# Memorandum

**TO:** PLANNING COMMISSION  
**SUBJECT:** File No. PP23-007

**FROM:** Christopher Burton  
**DATE:** May 22, 2024

<b>Project</b>	Zoning Ordinance Update
<b>Applicability</b>	Citywide in applicable Zoning Districts
<b>Project Description</b>	An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (1) Amend Chapter 20.30 to include amendments to (a) Section 20.30.400, to clarify pedestrian access; (b) Section 20.30.500, Table 20-70, Note 2, to exclude retaining walls from accessory structures along corner lot setback; and (c) Section 20.30.510 to clarify Rear Yard Coverage; (2) Amend Chapter 20.70, Section 20.70.100, Table 20-140 to allow indoor sales of Zero Emission Vehicles, and add Sections 20.70.110, 20.70.120, and 20.70.130 which had been inadvertently deleted; (3) Amend Section 20.80.175 and add a new Part 2.76 of Chapter 20.80 to allow the sale and conveyance of Accessory Dwelling Unit condominiums; (4) Amend Chapter 20.90, Section 20.90.060 to include previously approved ratios for long-term and short-term bicycle spaces, and add Section 20.90.150 which had been inadvertently deleted; (5) Amend Sections 20.195.010, 20.195.020, 20.195.030 and 20.195.050 of Chapter 20.195 to include recent references to Government Code Sections for housing; and (6) Amend Section 20.200.1265 of Chapter 20.200 to change existing definition of 'Permanent Supportive Housing'; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.
<b>CEQA Clearance</b>	Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, in accordance with the California Environmental Quality Act as amended.
<b>Project Planner</b>	David Fong

## RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council take all of the following actions:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto; and

2. Adopt an ordinance of the City of San José amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to:
- (i) Amend Chapter 20.30 to include amendments to (a) Section 20.30.400, to clarify pedestrian access; (b) Section 20.30.500, Table 20-70, Note 2, to exclude retaining walls from accessory structures along corner lot setback; and (c) Section 20.30.510 to clarify Rear Yard Coverage; and
  - (ii) Amend Chapter 20.70, Section 20.70.100, Table 20-140 to allow indoor sales of Zero Emission Vehicles, and add Sections 20.70.110, 20.70.120, and 20.70.130 which had been inadvertently deleted; and
  - (iii) Amend Section 20.80.175 and add a new Part 2.76 of Chapter 20.80 to allow the sale and conveyance of Accessory Dwelling Unit condominiums; and
  - (iv) Amend Chapter 20.90, Section 20.90.060 to include previously approved ratios for long-term and short-term bicycle spaces, and add Section 20.90.150 which had been inadvertently deleted; and
  - (v) Amend Sections 20.195.010, 20.195.020, 20.195.030 and 20.195.050 of Chapter 20.195 to include recent references to Government Code Sections for housing; and
  - (vi) Amend Section 20.200.1265 of Chapter 20.200 to change existing definition of 'Permanent Supportive Housing'; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

## OUTCOME

Approval of the proposed Municipal Code amendments will amend various chapters within Title 20, Zoning Code, as described in the Analysis section below.

## PROJECT BACKGROUND

The proposed Zoning Code update would incorporate necessary Zoning Code modifications to (a) implement City Council's prior direction, (b) comply with State law, and (c) ensure consistency with prior approvals. This Ordinance includes updates related to single-family residential development standards, indoor sale of zero emission vehicles in the downtown zoning districts, sale of Accessory Dwelling Units (ADUs) as condominiums, reincorporating text related to bicycle parking and other requirements inadvertently omitted in the previous parking code update, and edits to the definition of Permanent Supportive Housing and other references to align with State law.

*Single-Family Residential Development Standards:* Staff identified items that need additional modification to ensure consistency with existing practices. The more descriptive wording of the standards would eliminate ambiguity and provide clarity for staff during project reviews.

*Indoor Sales of Zero Emission Vehicles:* Vehicle sales are presently allowed for vehicles under one ton within downtown. Zero Emission vehicle sales in the indoor showroom format is gaining popularity in other commercial areas, and staff proposes to include this use within downtown. This new enumerated use would help attract additional business to the Downtown.

*ADU Condominiums:* On October 11, 2023, State Assembly Bill No. 1033 (AB 1033) was signed to authorize cities to permit the sale of ADUs as condominiums. AB 1033 became effective on January 1, 2024. Prior to AB 1033, State law required cities to limit ADU sales to qualifying non-profits only. The City's Zoning Code currently reflects such restrictions. At the City Council hearing on December 5, 2023, a memorandum was issued to direct staff to draft an ordinance that would implement AB 1033. The proposed update implements this direction to allow the conveyance of ADUs as condominiums through an approval of a Parcel Map. Adopting a local ordinance implementing AB 1033 can foster increase in availability of entry-level, affordable homes for sale and provide more families the stability of homeownership opportunity. If adopted, San José would be amongst the first few cities in California to implement such an ordinance.

*Bicycle Parking:* On December 6, 2022, the City Council approved a new parking ordinance that eliminated several parking requirements and standards. As part of that parking ordinance update, the bicycle parking ratio requirements for multi-family residential development was inadvertently omitted. Bicycle parking ratios were not intended to be modified and this update will re-insert those ratios and other omitted parking text.

*Permanent Supportive Housing:* The Permanent Supportive Housing code updates will change the definition of supportive housing to align with State law. This would provide for better context and consistency when reviewing these types of projects.

## **ANALYSIS**

Staff routinely updates the Zoning Code to incorporate changes to align with new State law mandates and other requirements. This Zoning Code update incorporated modifications to conform with current State mandates, and to make the Zoning Code consistent with prior General Plan amendments, and City Council direction. No specific development proposal is initiated or is a part of these changes.

### *Single-Family Residential Development Standards*

Chapter 20.30 of the San Jose Municipal Code contains all of the Single-Family Residential development standards. The proposed changes will update single-family residential development standards to clarify:

- a. *Pedestrian access improvements to be allowed within side setbacks.* The proposed change is to accommodate pedestrian access and doorways within side setbacks that don't directly abut a public street. This ordinance would add language clarifying that walkways and landings that do not exceed two feet in height will be allowed within side setbacks. In the current Zoning Code, no pedestrian access improvements above-grade are allowed within the side setback including necessary landings for doors, or concrete steps for sloped lots.
- b. *Retaining walls to be allowed within setback areas.* The proposed change would accommodate retaining walls within setback areas. The current text only allows fences in setback areas but excludes retaining walls that are often required on sloped sites to address safety and functional necessity. Retaining walls under two feet in height will not require any planning approvals from the City but a retaining wall greater than two feet in height will require a Special Use permit approval.

- c. *Rear yard coverage calculations to not include overhangs.* The proposed change provides clarification on calculation of rear yard coverage by accessory buildings and structures and specifies that overhangs on structures with a roof would not be counted towards rear yard coverage calculations, and more specifically overhangs that do not extend more than two feet from the structure or building. This update would allow calculations to be more consistent.

In summary, the above items were identified by staff as outdated requirements that need additional clarification. The proposed changes will ensure clarity and consistency during project reviews.

#### *Indoor Sales of Zero Emission Vehicles*

This update would add the enumerated use to allow Zero Emission Vehicles to the Downtown Zoning use table within Chapter 20.70 of the San Jose Zoning Code. Currently, vehicle sales within Downtown are limited to smaller vehicles of less than one ton. The proposed update would allow sale of larger zero emission vehicles to further the City's climate change goals. The proposed use would be required to be conducted indoors, and therefore would not impact circulation or City streets. No outdoor storage of vehicles for purposes of sale or lease is permitted. This proposed new use is consistent with General Plan goals to help attract business to the Downtown Zoning district, and more specifically to attract and retain clean energy businesses.

#### *ADU Condominiums*

The proposed changes would add a new section in our Zoning Code to allow the sale of ADUs as condominiums. AB 1033, effective in January 2024, authorized local municipalities to adopt ordinances to allow sale of ADUs as a condominium. The Zoning Code currently does not allow the sale of ADUs separate from the primary dwelling they are associated with. AB 1033 sets forth specific requirements a local government must include when allowing ADUs to be sold.

AB 1033 mandates that every ADU condominium project be in conformance with the Davis-Stirling Act for the formation and maintenance of common-interest developments. It provides HOAs with authority to develop Covenants, Conditions, and Restrictions (CC&Rs); and regulate their maintenance, repair, and replacement of common areas. Another mandatory requirement is for the property owner to obtain their lender or lienholders' approval for creation of ADU condo. The conveyance of separate utilities must be addressed with the utility company by the property owner and a building safety inspection completed before the approval of a subdivision map. The building safety inspection requirement may be satisfied by a Certificate of Occupancy for the unit.

The proposed amendment would set forth mandatory submittal requirements for creating a new review process to include an application checklist, title deed document, proof of ADU permit issuance, lienholder approval, HOA formulation, condominium plan including all common areas, a detailed site plan or boundary map. The property owner must take the separation of utilities and fire department compliance into consideration and work through these requirements early in the process.

The process to create ADU condominiums will be through approval and recordation of a Parcel Map. This process is similar to SB9 subdivisions, a process that the City adopted in December 2022. However, for ADU condominiums, this parcel map also requires conveyance of common areas and responsibilities. Therefore, the additional requirements discussed above are necessary to ensure a clear and effective separation of units, including airspace separation on a lot. A condominium plan, site and boundary map that includes the common areas is required. Along with SB9 subdivisions and duplex process, ADU condominiums will provide affordable homeownership for San Jose residents.

### *Bicycle Parking*

A clerical error during recent Code updates for parking approved in December 2022 omitted the residential standards for bicycle parking and other requirements from the Zoning Code. This proposed change would bring back the ratio of 60 percent short-term and 40 percent long-term bicycle parking requirements for residential developments, specifically for multi-family and mixed-use residential development. This update will re-insert the previously approved ratio and other omitted references from this Section.

### *State law references*

The proposed update would include references to the State law for compliance and amend Sections 20.195.010, 20.195.020, 20.195.030 and 20.195.050 to include recent references to California Government Code sections to recognize the new AB 2011 streamlined approval path for affordable or mixed-income housing development within the ministerial approval chapter.

### *Permanent Supportive Housing*

The proposed update will revise definition of 'Permanent Supportive Housing' to align with State law. The reworded definition of Section 20.200.1265 will consider properties with at least 25 percent units dedicated to permanent supportive housing to be considered a "Permanent Supportive Housing project". The remainder of the units in the project are rent-restricted low-income housing for households earning 80% Area Median Income or less. These proposed changes align with the State law definition.

## **GENERAL PLAN CONFORMANCE**

The Envision San José 2040 General Plan encourages the periodic review of the Zoning Ordinance and other supporting Ordinances in the Municipal Code to ensure that the document conforms to State mandates and requirements, is consistent with General Plan approvals, and reflects the goals, policies, and implementation of the General Plan.

### ***General Plan Goals/Policies: Title 20- Zoning Ordinance***

The proposed amendments to Title 20 would update and clarify certain sections of the Zoning Code to allow for conformance with changes to the General Plan. The proposed amendments to Title 20 are consistent with the following General Plan policy:

1. *General Land Use Policy LU-1.10: Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.*

The amendments to Sections 20.30.400, 20.30.500, 20.30.510, 20.70.100, 20.80.175, 20.80.176, 20.90.060, 20.195.010, 20.195.020, 20.195.030, and 20.195.050, and new Part 2.76 in Chapter 20.80 are all changes proposed in accordance with current statewide mandated updates, staff-initiated clarification updates, or prior direction from the City Council. These changes help ensure that the Zoning Ordinance is maintained and is consistent with any General Plan amendments.

2. *Clean Technology Diverse and Innovative Economy Policy IE-7.5: Facilitate strategies for clean technology businesses to bring new products and services to the marketplace. Attract and retain Clean Technology businesses by providing assistance to them.*
3. *Downtown Land Use Policy LU-3.4: Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.*

Zero emission vehicles are a clean technology with products and services that serve the general public. The proposed amendment to Chapter 20.70 to allow the sale of these vehicles in Downtown will attract a clean technology business to a larger marketplace and facilitate the development of retail and service establishments in Downtown.

#### **OTHER AGENCY COORDINATION**

Staff referred the proposed ordinance amendment to the Airport Land Use Commission (ALUC) meeting scheduled on May 22, 2024, to determine if the amendment is consistent with the San José International Airport (SJC) and Reid-Hillview Airport (RHV) Comprehensive Land Use Plans (CLUP). An update on the ALUC's action will be provided to the City Council.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

A Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. The proposed Zoning Ordinance update does not include any construction, demolition, or other activity that has the potential to negatively impact the environment. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

**PUBLIC OUTREACH**

On March 21, 2024, staff held a community meeting to discuss the proposed Code changes. At this meeting, staff presented the subject ordinance and potential permitting processes. Three (3) members of the public attended this virtual event. During this discussion, one member voiced their support to the Code amendment and other allowances for additional residential expansion in the future. The notice for this community meeting was posted on the City’s website and emailed to 334 recipients.

Staff created an informational webpage on the proposal that was posted to the City’s website on March 5, 2024. This report and attachments, as well as a video recording of the community meeting presentation were posted on the City’s website. Staff has been available to respond to questions from the public and received four follow up e-mail requests for additional clarification on this Zoning Code update. Staff also corresponded with a developer and his team on condominium law and information related to sample text used by other cities.

Staff followed Council Policy 6-30: Public Outreach Policy, in that the notices for the public hearings were posted on the City’s website and published in the San José Post-Record.

**Project Manager:** David Fong

**Approved by:** /s/ Robert Manford, Deputy Director for Christopher Burton, Planning Director

<b>ATTACHMENTS:</b>	
Exhibit A:	Draft Ordinance
Exhibit B:	Determination of Consistency

## PP23-007

### Links to Attachment A-B

Click on the title to view document.

<a href="#"><u>Exhibit A: Draft Ordinance</u></a>
<a href="#"><u>Exhibit B: Determination of Consistency</u></a>